

**J.F.SHEA CONSTRUCTION, INC.**

License No. 769989 A

P.O. Box 494519

17400 Clear Creek Road

Redding, California 96049-4519

PHONE (530) 246-4292

FAXCIMILE (530) 246-9940

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DATE: May 1st, 2015

TO: John McMillan, Office Engineer  
State of California  
Department of Transportation  
1727 30<sup>th</sup> Street, MSC43  
Sacramento, California 95816

RE: Bid Protest:  
Contract No. 02-4G7304

Dear Mr. McMillan:

Please consider this letter to be a formal protest for the bid submitted by Mercer-Fraser Company on April 22<sup>nd</sup>, 2015 for the above mentioned contract.

Mercer-Fraser Company listed Titan DVBE on their subcontractor list for 40% of bid item 3 traffic control. Their dollar amount per the bid documents for that item is \$15,000. However, on their DVBE summary they listed Titan DVBE for the dollar amount of \$42,400. Using standard math practices 40% of \$15,000 is only \$6,000. Based on these calculations Mercer-Fraser's total claimed DVBE participation should equal \$20,660, therefore dropping them well below the contract goal of 3.0% to 1.27%.

In conclusion, Mercer-Fraser Company incorrectly stated the dollar amount for their subcontractor Titan DVBE in their DVBE summary to meet the goal, creating a significant material difference between their bid documents and their DVBE summary.

J.F. Shea Construction requests that you consider Mercer-Fraser's bid non-responsive and award it to the next responsive low bidder J.F. Shea Construction, Inc.

If you should have any questions please do not hesitate to call, (530) 246-4292

Sincerely,

**J.F.SHEA CONSTRUCTION, INC.**

Brock Kernaghan

Estimator / Project Manager

Cc: Mrs. Stacy Dutra – Construction Secretary / Project file

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION  
**CERTIFIED DVBE SUMMARY**  
 DES-OE-0102.5 (REV 3/2008)

# Low Bidder

04-28-15A10:37 RCVD

DISTRICT-COUNTY-ROUTE: 02 - SHA - VAR

CONTRACT NO.: 02-4G7304

TOTAL BID: \$1,617,876.00

BID OPENING DATE: 04/22/2015

BIDDER'S NAME: Mercer-Fraser Company

DVBE PRIME CONTRACTOR CERTIFICATION \*

Bid Item Number	Description of Work to Be Subcontracted to DVBE or Materials to Be Supplied by DVBE *	For Caltrans Only	DVBE (Name, Telephone No., and Certification No.)	\$ Amount
11	Public Safety Plan		Global Environmental Network 1-800-230-6944 #24765	\$12,760.00
44	Maintain Existing Traffic Management System Elements		LGG Contractors + Consultants 1-805-423-2505 1535980	\$1,900
	Traffic Control		Titan DVBE 530-246-7836 1249460	\$42,400

Names of first tier DVBE subcontractors and their items of work listed must be consistent with the names and items of work in the Subcontractor List (Pub Cont Code § 4100 et seq.) submitted with the bid. Identify second and lower tier subcontractors on this form.

**Total Claimed Participation**

\$ 57,060

3.5 %

1. DVBE prime contractors must enter their DVBE reference number or their DBA name as listed with Department of General Services (DVBE prime contractors are credited with 100 percent DVBE participation and need not complete the above table).

2. If 100% of an item is not performed or supplied by the DVBEs, describe the exact part, including the planned location of work to be performed, of item to be performed or supplied by DVBE.

Signature of Bidder

4/27/2015

Date

Submit to:

MSC 43  
 OFFICE ENGINEER  
 DEPARTMENT OF TRANSPORTATION  
 1727 30TH STREET  
 SACRAMENTO, CA 95816-7005

707-443-6371

(Area Code) Telephone Number

Mark Benzinger

Contact Person

(Type or Print)

**ADA Notice**

For individuals with sensory disabilities, this document is available in alternate formats. For information, call (916) 654-6410, TTY 711, or write to Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.

11:38

TO: 17074430277 FROM: 5302467837

Page: 2



P.O. BOX 492336 Redding Ca. 96049

**SBE/DVBE REF# 1249460 Lic# 913725 DIR#1000006513**

CDOT # 02-4G7304

Bid Date 04/22/2015

**Bid item # 2 CONSTRUCTION AREA SIGNS** furnish, install, remove (add \$850.00 to have Titan USA project) CS-1 = \$3000.00

CS-2 = \$1500.00 Per location x 5 = \$7500.00

DE-1 = \$1800.00 (with traffic only)

DE-2 = \$900.00 (with traffic only)

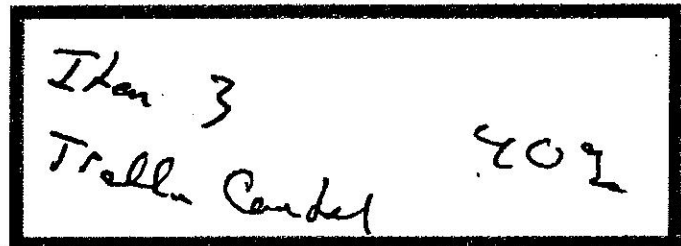
DE-3 = \$500.00 (with traffic only)

DE-4 = \$700.00 (with traffic only)

DE-5 = \$1600.00 (with traffic only)

DE-6 = \$1500.00 (with traffic only)

Total = \$17,500.00

**Bid item # 3 TRAFFIC CONTROL**

2 man lane closure: Includes cones, 1 truck, 2 crew, advanced signs, beacons, arrow board. 1 mile 1 way. Additional miles @ \$50.00 (includes cones, signs, barricades etc, fuel)

8hr shift= \$1300.00

10hr shift= \$1680.00

12 hr shift= \$2060.00

Rate does not include TMA

Additional lane/ ramp/ otherway= \$100.00 (includes arrow board, cones, signs, necessary barricades, beacons)

24 hr traffic is subject to additional fuel charge

2k 10MT . 53 PMTS

104,000 =

47,400

Type III truck mounted Attenuator (bare rental) \$400.00 day \$1250.00 week \$3000.00 month

Attenuator Truck With Operator ( Contractor is Responsible For Fuel )

8 Hr Shift = \$950.00 Overtime Billed at \$ 115.00 per Hr

2 Man Flagging Crew: Includes all cones and all advanced portable warning signs as needed for one mile one direction at a time (additional charges for additional cones and signs if needed)

Over time billed at \$95.00 per man hr

**RATES DO NOT INCLUDE .5 LUNCH REQUIRED IF NOT RELIEVED BY CONTRACTOR**

2 man flagging crew 8hr shift= \$1300.00

2 man flagging crew 10hr shift= \$1680.00

2 man flagging crew 12 hr shift= \$2060.00

Rumble strips \$1300 month \$800.00 week \$250.00 day (per each set)

Additional Flaggers- 8 hr shift \$650.00 over time billed at \$95.00 per man hr

All Night Work is billed an additional \$3.50 per man hr

Pilot Car with Operator: Includes operator (no mileage charge)

8 hour shift - \$750.00 overtime billed at \$115.00 per hr.

Signatory to Northern California Laborers

## STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION

Contract No.: 02-4G7304 Project ID: 0214000053

Bidder Name: Mercer-Praser Company

Bidder ID: VC0000003985

Item No.	Item Code	Item Description	Estimated Quantity Unit of Measure	Unit Price	Item Total
1	070030	LEAD COMPLIANCE PLAN	LUMP SUM LS	LUMP SUM	5,000.00
2	120090	CONSTRUCTION AREA SIGNS	LUMP SUM LS	LUMP SUM	10,000.00
3	120100	TRAFFIC CONTROL SYSTEM	LUMP SUM LS	LUMP SUM	15,000.00
4	128652	PORTABLE CHANGEABLE MESSAGE SIGN (LS)	LUMP SUM LS	LUMP SUM	8,000.00
5	130100	JOB SITE MANAGEMENT	LUMP SUM LS	LUMP SUM	10,000.00
6	130200	PREPARE WATER POLLUTION CONTROL PROGRAM	LUMP SUM LS	LUMP SUM	5,000.00
7	130510	TEMPORARY MULCH	266.0 SQYD	10.00	2,660.00
8	130640	TEMPORARY FIBER ROLL	120.0 LF	5.00	600.00
9	130900	TEMPORARY CONCRETE WASHOUT	LUMP SUM LS	LUMP SUM	3,000.00
10	149003	SAMPLING AND ANALYSIS PLAN (NATURALLY OCCURRING ASBESTOS)	LUMP SUM LS	LUMP SUM	20,000.00
11	150100	PUBLIC SAFETY PLAN	LUMP SUM LS	LUMP SUM	20,000.00
12	150310	RAPID SETTING CONCRETE (PATCH)	264.0 CF	15.00	3,960.00

STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION  
Contract No.: 02-4G7304 Project ID: 0214000053  
Bidder Name: Mercer-Fraser Company  
DES-OE-0102.2B (REV 5/2014)

Bidder ID: VC0000003985

Bidding Firm: Mercer-Fraser Company

List this sub? Yes

10) Business Name Titan DVBE  
Location City Redding State CA  
California Contractor License Number 913725  
CA Department of Industrial Relations' Registration Number 100006513  
Portion of Work Subcontracted:

Item	%	Description
3 40		Traffic Control

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REDDING CALIFORNIA 96049-4519

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FAX: 530) 246-9940

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## **FAX COVER SHEET**

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**TO:** Mr. John McMillan, Office Engineer**FAX NO.** (916) 227-6282**FROM:** Brock Kernaghan**DATE:** May 1, 2015**SUBJECT:** 02-4G7304**6 Pages, Including Cover Page****MESSAGE:**

Sincerely,



Brock Kernaghan

Estimator/Project manager

**J.F.Shea Construction Inc.**